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U.S. Serial No. **09/848,004**

Group Art Unit: **3653**

Attorney Docket No. **9041.00**

Examiner: **Jeffery A. Shapiro**

Attached herewith are the following items for the above-identified patent application:

- (1) an Appeal Brief in furtherance to the Notice of Appeal of **February 8, 2008** (10 sheets); and
- (2) *if applicable*, a Request for Extension of Time (0 sheet(s)).

Respectfully submitted,

Michael Chan
Reg. No. 33,663

CERTIFICATE OF TRANSMISSION

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dayton, Ohio

Docket No. 9041.00

APR 07 2008

Application of

John J. Cira et al.

Serial No. 09/848,004

Group Art Unit: 3653

Filed: May 3, 2001

Examiner: Jeffery A. Shapiro

For: **METHODS AND APPARATUS FOR WIRELESS DISPLAY UNITS FOR
DOCUMENT TRAYS IN FINANCIAL DOCUMENT PROCESSING**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **February 8, 2008**. Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

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(3) STATUS OF CLAIMS

The above-identified patent application was filed on May 3, 2001 with claims 1-18. In response to an Office Action mailed October 2, 2002, claims 1-11 were elected for further prosecution on the merits. In response to an Office Action mailed March 7, 2003, claims 19-30 were added. In response to an Office Action mailed December 30, 2003, no claims were canceled and no claims were added. In response to an Office Action mailed June 23, 2004, claims 1-30 were canceled, and new claims 31-34 were added. In response to an Office Action mailed November 2, 2004, no claims were canceled and no claims were added. In response to an Office Action mailed December 15, 2004, no claims were canceled and no claims were added. In response to an Office Action mailed June 6, 2005, no claims were canceled and no claims were added. In response to an Office Action mailed January 4, 2006, claims 31-34 were canceled, and new claims 35-47 were added. In response to an Office Action mailed April 19, 2006, claims 35-47 were canceled, and new claims 48-57 were added. In response to an Office Action mailed September 29, 2006, claims 49 and 50 were canceled, and new claims 58-61 were added. In response to an Office Action mailed March 21, 2007, no claims were canceled and no claims were added. In response to an Office Action mailed October 9, 2007, no claims were canceled and no claims were added. In response to an Advisory Action mailed on January 17, 2008, a Notice of Appeal was filed on February 8, 2008. Thus, claims 48 and 51-61 remain pending and stand rejected.

Claims 58-61 are being appealed and are attached as an appendix to this Appeal Brief.

(4) STATUS OF AMENDMENTS

No amendments were entered subsequent to the last final rejection which was mailed on October 9, 2007.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 58

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A check processing apparatus for enabling an operator to physically transport checks from an image capture transport 202 which captures images of checks and sorts the checks into a plurality of pockets to an encoding transport 202 which encodes magnetic ink character recognition (MICR) codelines onto checks (page 8, lines 13-22; page 15, lines 1-3; page 16, lines 23-27), each check having an assigned entry number associated therewith and each pocket having an assigned pocket number associated therewith (page 8, line 23 to page 9, line 14), the check processing apparatus comprising:

a plurality of check document trays 320A-320-E for (i) containing checks which have been sorted into the plurality of pockets at the image capture transport (page 9, line 14-17), (ii) allowing checks to be moved from each of the plurality of pockets into a corresponding one of the plurality of check document trays (page 11, lines 22-24), and (iii) allowing the plurality of check document trays along with checks contained therein to be physically transported from the image capture transport to the encoding transport for encoding MICR codelines onto the checks (page 12, lines 21-22; page 13, lines 19-20; page 14, lines 12-17); and

a plurality of electronic labels 322A-322E associated with the plurality of check document trays such that each of the plurality of electronic labels is affixed to a corresponding one of the plurality of check document trays (page 9, lines 17-18), each of the plurality of electronic labels including (i) a physical display 602 for displaying a visual message (page 9, lines 18-22; page 12, lines 8-15; page 17, lines 14-16), (ii) a communication interface 704 for receiving electronic messages which have been wirelessly transmitted from a communication interface 112 associated with the image capture transport (page 9, lines 17-20; page 17, lines 9-12), and (iii) a processor 702 for causing the physical display to display a visual message which is based upon at least one electronic message which has been received from the communication interface associated with the image capture transport to provide visual information including both the entry number and the pocket number associated with the checks contained in a check document tray which has been physically transported from the image capture transport to the encoding transport (page 8, line 27 to page 9, line 1; page 12, lines 3-10; page 17, lines 10-12).

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(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 58-61 is patentable under 35 U.S.C. Section 103(a) over U.S. Patent No. 5,859,726 to Copenhagen et al. (referred to herein as "Copenhagen") in view of U.S. Patent No. 5,225,978 to Petersen et al. (referred to herein as "Petersen") in view of U.S. Patent No. 6,568,675 to Boss and still further in view of U.S. Patent No. 6,650,225 to Bastian, II et al. (referred to herein as "Bastian").

(7) ARGUMENT

Applicant would like to respectfully point out that the rejection of claims 58-61 of the present application is improper for at least the following reasons.

Applicant would like to point out that each of claims 58-61 of the present application recites, inter alia:

"a plurality of electronic labels associated with the plurality of check document trays such that each of the plurality of electronic labels is affixed to a corresponding one of the plurality of check document trays, each of the plurality of electronic labels including a processor for causing the physical display to display a visual message which is based upon at least one electronic message which has been received from the communication interface associated with the image capture transport to provide visual information including both the entry number and the pocket number associated with the checks contained in a check document tray which has been physically transported from the image capture transport to the encoding transport" (*emphasis of underlining added by Applicant*).

Applicant notes that the Office makes the following statement in the Office Action mailed October 9, 2007:

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“Regarding Applicant’s claim amendments, note again that Copenhaver’s apparatus encodes, i.e., prints MICR characters on each check, effectively assigning an “entry number” to each said check.”

In this regard, Applicant would like to point out that the specification of the present application provides a clear definition of “entry” and “entry number” (see at least page 2, lines 1-11; page 4, lines 20-24; and page 8, line 27 to page 9, line 1 of the specification). Moreover, an entry number is assigned to each pocket before any document is processed (see page 9, line 9-17 of the specification). Since the entry number is assigned before any document is processed, the entry number cannot be encoded MICR characters on each check, as the Office would like to suggest. This is because MICR characters are encoded on each check only after the check has been initially processed through the image capture transport and then through the encoding transport. In fact, it is clear from the claim language of each of claims 58-61 of the present application that the entry number is assigned to each check before the check is even processed through the image capture transport. Thus, the entry number as recited in each of claims 58-61 cannot be encoded MICR characters on each check, as the Office would like to suggest in the above statement made by the Office.

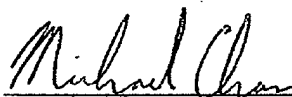
Applicant has requested that the Office explain how an entry number which is assigned to each check before the check is processed through the image capture transport (as recited in each of claims 58-61) could possibly read on MICR characters which are encoded on a check only after the check has been processed through the image capture transport and is being processed through the encoding transport. However, the Office has provided no explanation. Absent an adequate explanation, it is respectfully submitted that the rejection of claims 58-61 of the present application is improper and, therefore, should be withdrawn.

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Conclusion

In view of the forgoing reasons, it is clear that the rejection of claims 58-61 under 35 U.S.C. Section 103 (a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 58-61.

Respectfully submitted,



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(8) CLAIMS APPENDIX

58. A check processing apparatus for enabling an operator to physically transport checks from an image capture transport which captures images of checks and sorts the checks into a plurality of pockets to an encoding transport which encodes magnetic ink character recognition (MICR) codelines onto checks, each check having an assigned entry number associated therewith and each pocket having an assigned pocket number associated therewith, the check processing apparatus comprising:

a plurality of check document trays for (i) containing checks which have been sorted into the plurality of pockets at the image capture transport, (ii) allowing checks to be moved from each of the plurality of pockets into a corresponding one of the plurality of check document trays, and (iii) allowing the plurality of check document trays along with checks contained therein to be physically transported from the image capture transport to the encoding transport for encoding MICR codelines onto the checks; and

a plurality of electronic labels associated with the plurality of check document trays such that each of the plurality of electronic labels is affixed to a corresponding one of the plurality of check document trays, each of the plurality of electronic labels including (i) a physical display for displaying a visual message, (ii) a communication interface for receiving electronic messages which have been wirelessly transmitted from a communication interface associated with the image capture transport, and (iii) a processor for causing the physical display to display a visual message which is based upon at least one electronic message which has been received from the communication interface associated with the image capture transport to provide visual information including both the entry number and the pocket number associated with the checks contained in a check document tray which has been physically transported from the image capture transport to the encoding transport.

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59. A check processing apparatus according to claim 58, wherein the electronic label includes a first manually-operable button electrically coupled to the processor and for, when manually operated, directing the processor to cause the physical display to display visual information including the entry number and the pocket number in sequential screens.

60. A check processing apparatus according to claim 59, wherein the electronic label includes a second manually-operable button electrically coupled to the processor and for, when manually operated, allowing an operator to send a signal to the communication interface associated with the image capture transport.

61. A check processing apparatus according to claim 58, wherein the electronic label further includes an alerter electronically coupled to the processor and for, when being driven by the processor, providing an audible alert signal.

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(9) EVIDENCE APPENDIX

None.

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(10) RELATED PROCEEDINGS APPENDIX

None.